

R E M A R K S

Claims 1 and 3-11 currently remain in the application. Claims 12-22 have been withdrawn, claim 2 has been canceled and no claims are herein amended.

Claims 1 and 3-11 were rejected under 35 U.S.C. 102 as being anticipated by Hayes. Rejection of a claim under 35 U.S.C. 102 is justified only when each of the inventive elements in that claim is disclosed in one reference. Hayes is not believed to be disclosing every inventive element in independent claim 1, and hence it is believed that the Examiner's rejection of claim 1 and the claims dependent therefrom is not justified and hence should be reversed.

Explained more in detail, claim 1 relates to an aliphatic polyester resin composition characterized as comprising salts of aromatic sulfonate shown by Formula 1 as nucleating agent in an amount of 0.01-5 weight parts for 100 weight parts. The salts of aromatic sulfonate shown by Formula 1 are nucleating agents for aliphatic polyester resin, and are not themselves constituents of aliphatic polyester resin. In other words, aliphatic polyester resin compositions of this invention are a mixture of aliphatic polyester resin and salts of aromatic sulfonate shown by Formula 1.

Firstly, Hayes, by contrast, describes sulfonated aliphatic-aromatic copolyesters (say, from [0022] to [0026]), but Hayes' aromatic sulfonates (such as a metal salt of lower alkyl ester of 5-sulfoisophthalic acid [0026]) are components forming sulfonated aliphatic-aromatic copolyesters themselves. In other words, Hayes' aromatic sulfonates are components to be incorporated into the molecules of such copolyesters as constituent units of sulfonated aliphatic-aromatic copolyesters.

Secondly, the metals which form the salts of aromatic sulfonate shown by Formula 1 according to claim 1 in the instant application are potassium, rubidium, barium, strontium or calcium. The metals for forming the salts of Hayes' aromatic sulfonates (such as a metal salt of lower alkyl ester of 5-sulfoisophthalic acid) are said to be sodium, potassium, lithium, magnesium, zinc, cobalt and iron. Although potassium appears in both lists of metals, the list of metals in claim 1 is more limitative.

Thirdly, if aromatic sulfonates such as Hayes' metal salt of lower alkyl ester of 5-sulfoisophthalic acid are incorporated within the molecules of sulfonated aliphatic-aromatic copolyesters as their constituent units as suggested by Hayes, it will be hard for such copolyesters to crystallize because their crystallization initiating temperature and the

crystallization peak temperature are low, and it also will be easier for them to become stuck to the mold (because the mold release deformation is large) and to bend (because the deflection temperature under load is low). Consequently, it is not possible from Hayes' sulfonated aliphatic-aromatic copolyesters to obtain molded products with superior physical characteristics under the practical molding conditions of ordinary all-purpose resins, say, without causing deformations at the mold releasing time.

In order to demonstrate the statement given above, applicant is currently preparing experimental data, which, if required by the Examiner, will be submitted in the form of a declaration under Rule 132, although applicant believes that the first of the three points discussed above would be sufficient to convince the Examiner that the claims now pending are not to be considered anticipated by Hayes.

In summary, it is believed that the present invention is not anticipated by Hayes and the instant application should be allowed.

It is requested that the Examiner issue at least an advisory action, if not a notice of allowance, in a seasonable manner in view of the mailing of the instant Amendment within two months of the mailing date of said Final Office Action.

Respectfully submitted,
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